

UNITED STATES DISTRICT COURT

DEC 13 2018

for the

Western District of North Carolina

U.S. DISTRICT COURT
W. DIST. OF N.C.

United States of America

v.

William Richard Hilliard, JR

Case No. 1:18 mj 122

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 1 through December 31 2017 in the county of Cleveland and Gaston in the
Western District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2251(a)

Production of child pornography

18 U.S.C. § 2252A(a)(5)(B)

Possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Eugene Vinson, Special Agent - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/13/2018

Judge's signature

City and state: Asheville, North Carolina

W. Carleton Metcalf, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N.C.

DEC 13 2018

U.S. DISTRICT COURT
W. DIST. OF N.C.

_____)	UNDER SEAL
IN RE APPLICATION OF THE)	
UNITED STATES OF AMERICA FOR)	CASE Number: 1:18mj/22
A CRIMINAL COMPLAINT AND AN)	
ARREST WARRANT FOR)	
WILLIAM RICHARD HILLIARD, JR)	
_____)	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND AN ARREST

WARRANT

I, Eugene Vinson, after being duly sworn, depose and state:

1. I have been employed as a Special Agent of the FBI since February 2013, and am currently assigned to the Asheville Resident Agency of the Charlotte Division. I am primarily responsible for investigating violent crimes in special maritime and territorial jurisdictions and violent crimes against children in the Asheville area. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training at the FBI and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws and I am authorized by the Attorney General to request a criminal complaint and arrest warrant.

2. I, Special Agent Eugene Vinson of the Federal Bureau of Investigation, a Division of the United States Department of Justice located in Washington D.C., assigned to the Charlotte NC

Division, in the Asheville Residential Agency of the FBI, having been duly sworn, make the following statement in support of a request for a criminal complaint and arrest warrant.

3. This Affidavit is intended to show only there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The Affiant's probable cause includes information known to me and/or provided to me by other federal, state, and/or local law enforcement officers. I am aware of the facts of this primarily by reviewing the case with the primary case agent, Special Agent Michael Gregory.

STATUTORY AUTHORITY

4. This investigation concerns alleged violations of
- a. 18 U.S.C. § 2251(a) makes it a crime for any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such

visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

- b. 18 U.S.C. § 2251(e) makes it a crime for any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years.
- c. 18 U.S.C. § 2252A(a)(5)(B) make is a crime for any person to knowingly possess, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

DEFINITIONS

5. The following definitions apply to this Affidavit:

- a. "Child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where
 - i. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

- ii. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
 - iii. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- b. "Sexually explicit conduct" means
- i. Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - ii. Bestiality;
 - iii. Masturbation; or
 - iv. Sadistic or masochistic abuse; or
 - v. Lascivious exhibition of the genitals or pubic area of a person.

PROBABLE CAUSE

6. On June 11, 2018, William Richard HILLIARD, JR was arrested by the Myrtle Beach Police Department (MBPD) for secretly filming several girls showering on his yacht. On June 10, 2018, an 18 year old female (Adult Victim 1 - AV1), made a report with MBPD in reference to finding an Apple iPad filming her showering while on HILLIARD's yacht. AV1 babysits for HILLIARD and as a high school graduation gift, he took AV1, several of her friends and AV1's mother aboard his yacht in Myrtle Beach, South Carolina. While AV1 was showering on the yacht, she saw an iPad sticking out of HILLIARD's bag that was positioned towards the shower. After AV1 inspected the iPad, she noticed that it had been recording her for approximately 15 minutes. She stopped the video and went through the camera roll, noting other videos were on the iPad of the other seven (7) girls on the yacht. Along with those videos, AV1

observed there were videos of other females (some of age and some minor children) taking showers.

7. AV1 deleted the videos on the iPad of the girls on the boat and developed a ruse to be brought into the harbor by HILLIARD. After docking, AV1 and her mother made a report with MBPD.

8. On June 10, 2018, a Detective with MBPD interviewed AV1 and the other girls that had been on the yacht. The seven (7) other girls told the Detective they had taken showers between Bird Island and Restaurant Row. AV1's mother told the Detective that HILLIARD had been "acting weird" while they were all on the yacht. AV1's mothers said that he would get her to steer the boat while he went and checked on the bathroom after every time one of the girls finished showering.

9. On June 11, 2018, the Detective interviewed HILLIARD at the jail which was recorded. After advising him of his rights, HILLIARD admitted to recording AV1 and the other girls on the yacht. He knows AV1 and her mother because AV1 babysits for him. He told the detective recorded that he recorded the girls because he knew they would be naked in the shower. He advised the Detective that he has been recording females for about the past two (2) years and that he sometimes pleasures himself [sexually] after watching them. He also admitted to recording videos underneath a door. He said he has never sold any of the videos he made for profit. Of the girls recorded on his yacht, he acknowledged knowing that the youngest was 14 or 15 years of age.

10. The Detective obtained a state arrest warrant for HILLIARD for violation of South Carolina 16-17-0470(B), sex/voyeurism and arrested him on June 11, 2018.

11. A state search warrant for HILLIARD's yacht, described as a Cruiser's Yacht 460 Express (hull ID US-CRSSDA01D607) was obtained on June 11, 2018 and executed the same day. MBPD seized several items to include two (2) laptops, SD memory cards, iPhone, iPod and a flash drive. Prior to executing the search warrant, a Detective spoke with AV1 who pointed out where the shower was located on the yacht. She advised she was told to shower in HILLIARD's room and that it never had a shower door attached because it was broken. The Detective also discovered a shower door under a bench seat in the main room of the boat. MBPD obtained additional state search warrants for the items that were seized from the yacht.

12. On June 11, 2018, the Cleveland County Sheriff's Office (CCSO) was made aware of HILLIARD's arrest and of the suspicion that he had filmed females at his residence, located at 2742 Clineland Road, Cherryville, North Carolina 28021, which is in Cleveland County¹. On June 12, 2018, AV1's mother was quoted in the Shelby Star, "The mother also said HILLIARD secretly recorded video of baby sitters at the house in Cherryville." A Detective with CCSO contacted AV1's mother the same day who told the detective that after AV1 found the iPad recordings, AV1 went through the iPad and found other recordings. According to AV1, some of the other secret recordings viewed by AV1 took place in HILLIARD's daughter's bathroom at his Cleveland County residence.

13. The Detective contacted AV1 the same day. AV1 said after she went through the recordings, she found a recording that took place in HILLIARD's daughter's bathroom. AV1 was able to describe the bathroom and knows the room from babysitting at his house for the past

¹ While Cherryville, North Carolina is primarily within Gaston County, the residence referenced here is located just inside Cleveland County.

two (2) years. The recording she observed was of Adult Victim 2 (AV2) in the bathroom naked. AV1 knows AV2 because they both babysit for HILLIARD.

14. On June 12, 2018, CCSO executed a search warrant at HILLIARD's residence in Cleveland County. Several items were seized during the search warrant including but not limited to video cameras, cell phones, SD cards and DVDs. Investigators discovered that HILLIARD's bathroom door, where AV1 had observed the recording of AV2, had tool marks which created a chiseled out circular hole at the bottom of the door. The tool marks were rough but appeared to have been made for the sole purpose of making room for a camera or video recording device to fit under the door. No other tool marks like those were located in the residence and based on the upkeep of the rest of the residence, the tool marks did not seem to be "normal wear and tear."

15. Investigators with CCSO reviewed the evidence seized from HILLIARD's residence. Videos of various females showering in the bathroom both in the yacht and at HILLIARD's residence (both current, 2742 Clineland Road, Cherryville, North Carolina 28021 (Cleveland County) and former, 404 Farris Drive, Cherryville, North Carolina 28021 (Gaston County)) were located. The videos were of different females being surreptitiously filmed in the shower, undressing in the bathroom along with HILLIARD engaging in vaginal sex, oral sex and digital penetration with various females.

16. On October 3, 2018, the FBI was provided the files that had been reviewed by CCSO and MBPD. A subsequent review of those files indicated both child pornography that was likely downloaded but not produced by HILLIARD and child pornography that was clearly produced by HILLIARD himself. Agents with the FBI previewed several of those files which have been detailed below:

17. Child Victim 1

a. Three (3) video files found on a SanDisk SD card that had been seized by MBPD reflected an 8 year old female (hereinafter "Child Victim 1" or "CV1") being surreptitiously recorded in a bathroom located at 2742 Clineland Road, Cherryville, North Carolina on June 29, 2017.

i. The three (3) video files reflect different devices recording CV1 at the same time with two (2) of the three (3) video files showing HILLIARD setting up the camera at the beginning of the file and acquiring the camera before the file ends. Two (2) of the video files reflected devices setup at the sink counter of the bathroom with a view of the area in front of the sink. The third video file reflects an Apple iPad that appears to have been placed on the floor with a view of the full area in front of the sink and bathroom door. The video files were named with CV1's first name followed by a number.

ii. These specific videos reflect HILLIARD ushering in CV1, who is wearing clothes, to the bathroom and instructing her to wipe lotion along with a wet rag on her body before putting on her bathing suit. HILLIARD exits the bathroom with CV1 closing the door behind him. CV1 unclothes with her genitals fully displayed in view of all three cameras and puts on the lotion as instructed by HILLIARD. She puts on her bathing suit and leaves the bathroom.

b. Four (4) video files found on a SanDisk SD card that had been seized by MBPD reflected CV1 being surreptitiously recorded in the same bathroom located at

2742 Clineland Road, Cherryville, North Carolina at a different time on June 29, 2017.

- i. The four (4) video files reflect different devices recording CV1 at the same time. Two (2) of the video files are recorded from the same vantage points as the previously described files with two others appearing to be recorded using an Apple iPhone 6 and an Apple iPhone 7 that recorded CV1 from underneath the bathroom door, the same door that AV1 had observed in a recording and CCSO discovered with tool marks at the bottom. The video files were named with CV1's first name followed by a number.
- ii. Two (2) of the video files show HILLIARD ushering in CV1, who is wearing a bathing suit, to the bathroom and instructing her to wipe herself off with a towel. HILLIARD leaves and CV1 dries herself off with a towel. The video file, appeared to have been filmed using an Apple iPad² and with a view of the full area in front of the sink and bathroom door, which captures a silver object appearing below the bathroom door. As CV1 begins to place items in her bag, the silver object disappears. CV1 leaves the bathroom, turning the light off behind her. After approximately 4.5 minutes, HILLIARD is observed entering the bathroom with CV1 behind him. He turns the light back on and instructs her to put lotion back on. After she tells him she kept it on, he instructs her to put more on while

² The following page contains a screenshot, Figure 1, from the video file that was filmed from a view underneath the bathroom door that shows the Apple iPad (circled in red) placed on the floor with a view of the full area in front of the sink and bathroom door.

handing her a bottle of lotion and a washcloth. He instructs her to “lather up good” before closing the bathroom door. CV1 unclothes with her genitals on full display and in view of the camera. A silver object appears back under the bathroom door as she puts her bathing suit back on then disappears after a little less than a minute. After the female leaves the bathroom and near the end of the footage, HILLIARD is observed entering the bathroom and picks up a black object off of the sink counter and then picks up the Apple iPad before the footage ends.

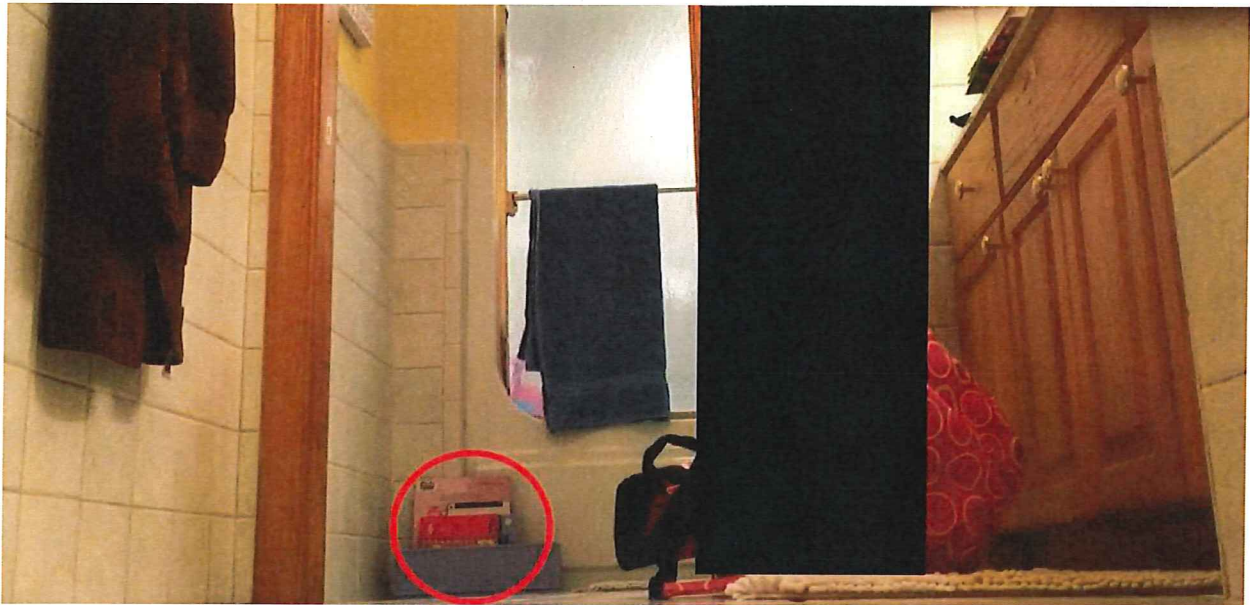


Figure 1

- iii. The two (2) other video files appear to have been recorded using an Apple iPhone 6³ and Apple iPhone 7.

³ The below picture contains a screenshot, Figure 2, from the video file that was filmed from a view of the Apple iPad that captures a silver object believed to be an Apple iPhone 6 (circled in red).

1. The video footage filmed using the Apple iPhone 6 starts out dark before providing a view underneath the door of the bathroom from the hallway. Across the bathroom and laying upright on the floor and against the wall, an Apple iPad can be observed in between two (2) books. CV1 appears around the corner and proceeds to change into her bathing suit. Her genitals are seen on full display and in view of the camera. The footage ends.

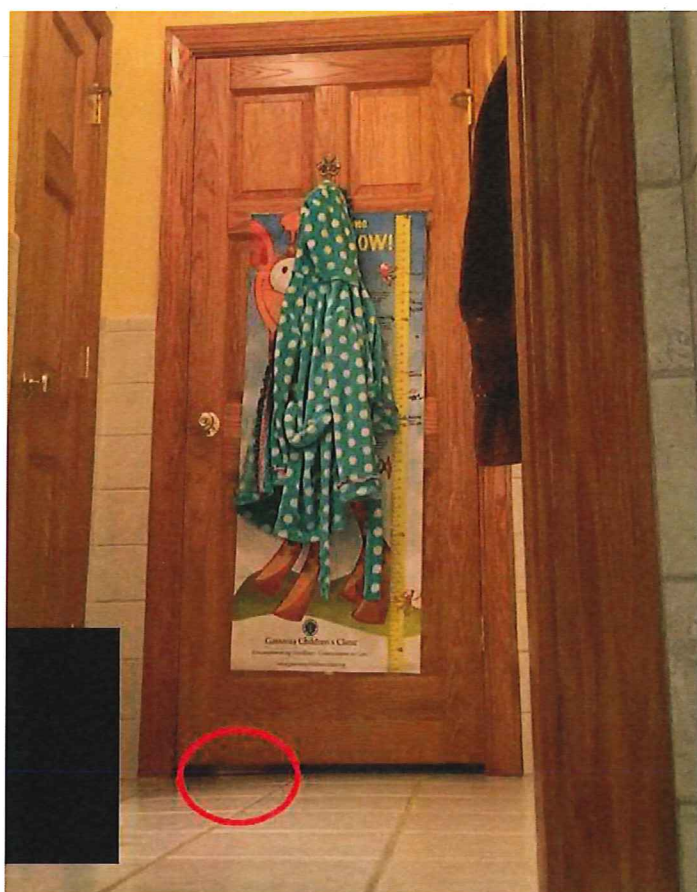


Figure 2

2. The video footage filmed using the Apple iPhone 7 provides a view from underneath the door of the bathroom from the hallway. CV1 is observed changing with her genitals on full display and in view of the camera. The footage ends.



Figure 3



Figure 4



Figure 5

3. Figures 3, 4 and 5 were obtained from CCSO during the execution of a search warrant at 2742 Clineland Road, Cherryville, North Carolina on June 12, 2018 and show a view of the bathroom door from inside the bathroom. Figure 3 shows a flashlight from the

law enforcement photographer underneath the door in the area showing evidence of tool marks. Figure 4 shows the flashlight can only fit in the area with the tool marks. Figure 5 shows the bottom of the bathroom door with evidence of tool marks.

- c. Two (2) video files found on a SanDisk SD card that had been seized by MBPD reflected CV1 being surreptitiously recorded in one of the showering facilities of the Cleveland Country Club located at 1360 E. Marion Street, Shelby, North Carolina on June 29, 2017. The video files were named with CV1's first name followed by a number.
 - i. The first video file appears to have been recorded using an Apple iPhone 7 and begins with HILLIARD placing the iPhone on a bench in the showering facility across from CV1 and his daughter showering in a stall. CV1 is observed wearing a bathing suit while she showers. HILLIARD takes his daughter around the corner of the shower stall and instructs CV1 on the other side of the shower stall to throw her bathing suit to him and he'll give her towel to her when she is ready. HILLIARD advises her that he'll stay on the other side of the shower stall telling her, "I'm not going to look, sweetie." CV1 takes off her bathing suit with her genitals on full display and continues to shower. HILLIARD walks towards his phone and peers into the shower stall saying, "I'm sorry, do you want your towel?" The footage ends with HILLIARD approaching the camera and picking it up.

- ii. The second video file appears to have been recorded using an Apple iPhone 7 and begins approximately where the first video stopped. The camera view is at an angle but captures CV1 while she is showering. HILLIARD can be heard engaging in a phone conversation. The camera keeps CV1 in view as she continues to shower with her genitals on full display. As the female finishes the shower, she walks across the showering area to obtain her towel. The camera angle maintains her in view as she acquires her towel and dries off. The footage ends.
- d. The mother of CV1 was interviewed and she positively identified screenshots taken from the video footage as her daughter. At no time did she give HILLIARD permission to make any recordings of her daughter.
- e. Records obtained from Cleveland Country Club reflected HILLIARD's monthly statement in June 2017 showed he was charged for snacks at the pool bar and guest fee at the pool on June 29, 2017. Detectives with CCSO viewed the showering facility at the Cleveland Country Club which appeared consistent with the background of the two (2) video files.

18. Child Victim 2

- a. Three (3) video files found on a SanDisk SD card that had been seized by MBPD reflected an 8 year old female (Child Victim 2 – CV2) being surreptitiously recorded in a bathroom located at 2742 Clineland Road, Cherryville, North Carolina [Cleveland County] on December 9, 2017.
 - i. The three video files appear to have been recordings that were filmed in sequential order with two (2) of the files having been recorded using an

Apple iPhone 7. The third file is a recording that is stationary and appears to have been setup at the sink counter of the bathroom with a view of the area in front of the sink which includes the bathtub. The video files were named with CV2's first name followed by a number.

- ii. The first video file appears to have been recorded using an Apple iPhone 7 and it depicts HILLIARD's daughter wearing a bathing suit and CV2 is only wearing tights. As the video progresses, HILLIARD walks in front of the sink mirror where he can be seen using his phone to film. During a majority of the video, CV2 is the main focus and is observed fully nude with her genitals on full display and in view of the camera.
- iii. The second video file is stationary and appears to have been recorded from the sink counter of the bathroom with a view of the area in front of the sink which includes the bathtub. CV2 and HILLIARD's daughter are observed in the bathtub washing each other. At one point, HILLIARD comes in the bathroom and is heard instructing them to stand in a view in front of the camera, to lay their bathing suits across the bathtub and rub each other with lotion after telling them he would "get out." Near the end of the video, HILLIARD reenters the bathroom as they are rubbing each other while naked with lotion. This portion of the video overlaps with the third video file.
- iv. The third video file appears to have been recorded using an Apple iPhone 7 and partially overlaps the events in the second video file but from a different angle. HILLIARD is heard saying CV2's mother is at a

Charlotte Hornet's game. Both CV2 and HILLIARD's daughter are observed rubbing lotion on each other while naked followed by CV2 rubbing lotion on her body. HILLIARD is heard encouraging CV2, saying she "is doing good." The camera view is focused on CV2 for a majority of the video even while HILLIARD and his daughter are talking to each other. Further, the video at one point appears to zoom in on CV2 while she is naked. CV2 is observed fully nude with her genitals on full display in a lewd and lascivious manner.

- b. The mother of CV2 was interviewed and she was aware of the recorded incident but only after HILLIARD was arrested by MBPD in June 2018. She advised CV2 was left with HILLIARD and his daughter while she attended a Charlotte Hornets basketball game.

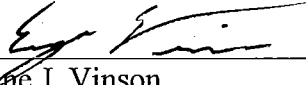
19. Child Victim 3

- a. Several video files found on various media devices seized by MBPD and CCSO reflected Child Victim 3 (CV3) who is now an adult being surreptitiously and overtly recorded in the shower aboard what appears to be a yacht while nude, in the bedroom of what appears to be a yacht engaging in vaginal sex with HILLIARD and in the bedroom engaging in vaginal and oral sex with HILLIARD located at 404 Farris Drive, Cherryville, North Carolina 28021 [Gaston County]. A video file found on a SanDisk SD card seized by MBPD reflected CV3 engaging in oral sex with HILLIARD while located in Homewood, Alabama.
- b. An interview of CV3 was conducted by CCSO and by FBI Special Agent Gregory who advised all of the sexual encounters with HILLIARD occurred when she was

between the ages of 14-16 years of age; no sexual encounters occurred past her 18th birthday. She further advised she was paid by HILLIARD to perform sexual acts on HILLIARD as well as be filmed by him. HILLIARD was aware of her age based on his relationship with her family as well as birthday cards he gave her on her birthdays.

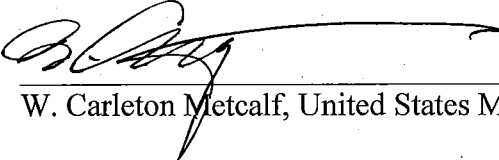
CONCLUSION

20. Based on the foregoing, your Affiant submits this Affidavit which supports probable cause for a warrant to arrest William Richard HILLIARD, JR for having violated Title 18, United States Code, Section 2251(a), which prohibits the production of child pornography and Title 18, United States Code, Section 2252A(a)(5)(B), which prohibits the possession of child pornography.



Eugene J. Vinson
FBI Special Agent
Affiant

Sworn before the undersigned this the 13th day of December, 2018.



W. Carleton Metcalf, United States Magistrate Judge